

Amendments to the Drawings:

The attached sheets of drawings includes changes to Figures 1-3. The attached sheets replace the original sheets for Figure 1-3 and each replacement is designated as such (i.e., "Replacement Sheet"). The original Figures 1-3 are attached and the changes marked in red ink.

Attachment: Replacement Sheets

Amendments to the Specification:

Please replace the paragraph beginning at page 5, line 15 with the following rewritten paragraph:

[26] In this example, the CPE 105 has connectivity to a PMP network 117. The PMP network ~~115~~ 117, which operates in the microwave frequency range, is a wireless network that transports traffic to and from the fiber optic network 101. Within the PMP network 117 are a number of terminals that are configured as remote terminals and hub terminals.

Please replace the paragraph beginning at page 12, line 1 with the following rewritten paragraph:

[51] The computer system 900 can send messages and receive data, including program code, through the network(s), network link 919, and communication interface 917. In the Internet example, a server (not shown) might transmit requested code belonging to an application program for implementing an embodiment of the present invention through the network 925, local network 921 and communication interface 917. The processor 903 may execute the transmitted code while being received and/or store the code in storage device 99, or other non-volatile storage for later execution. In this manner, computer system 900 may obtain application code in the form of a carrier wave.

Please replace the Abstract with the following Abstract provided on a separate sheet.

REMARKS

Claims 1-35 are all the claims pending in the application. By this Response, claims 1-16, 18, 20-22, 24-27 and 29-31 have been amended, and claims 32-35 have been canceled. Additionally, this Response includes changes to the specification and drawings. No new matter has been introduced by this Response, therefore, entry and favorable reconsideration are respectfully requested.

I. Election/Restriction

The Examiner made a Restriction to the application pursuant to 35 U.S.C. §121. In the Restriction, the Examiner limited the application to one of the following inventions:

Group I: Claims 1-31, drawn to “Messages Addressed To Multiple Destinations, classified in class 370, subclass 312.

Group II: Claims 32-35, drawn to “Fault Recovery,” classified in class 370, subclass 216.

During a telephone conversation between the Examiner and the undersigned on August 9, 2005, a provisional election was made without traverse to prosecute the invention designated by Group I, which includes claims 1-31. The Applicant herein acknowledges the election of Group I. Accordingly, claims 32-35 of Group II are canceled without prejudice. However, the Applicant reserves the right to pursue the non-elected claims in a future continuing application.

II. Objections To The Drawings

In the Office Action, the Examiner objects to the drawings because of inconsistent or missing elements numbers used in the specification, but not used in drawings. Specifically, the Examiner states that Figure 1 fails to include element number “100,” Figure 2 fails to include element number “200” and Figure 3 fails to include element number “300.” After a detailed review of the specification and drawings, the Applicant agrees with the Examiner at least with regard to Figures 1 & 2. With regard to Figure 3, the Applicant notes that element number “300” appears in the figure. Regardless, the Applicant has provided herewith “Replacement Sheets” for Figures 1-3.

The objections to the drawings are now believed to be overcome and withdrawal of the objections are respectfully requested.

III. Objections To Specification

In the Office Action, the Examiner has made the following objections to the specification:

First, the Examiner objects to the form of the Abstract. Accordingly, the Applicant herein submits a new Abstract on a separate page in a form more consistent with the Examiner's suggestions.

Second, the Examiner objects to the disclosure at paragraphs [26] and [51] because of minor typographical errors. The Applicant herein amends paragraphs [26] and [51] to correct the typographical errors noted by the Examiner.

The objections to the specification are now believed to be overcome and withdrawal of the objections are respectfully requested.

IV. Claims Rejections

Claims 1 and 3 stand rejected under 35 U.S.C. 102(b) as being anticipated by George (U.S. Pat. No. 5,214,789, hereafter "*George*"). Claims 1, 2, 24-28, 30, and 31 stand rejected under 35 U.S.C. 102(b) as being anticipated by Kay (U.S. Pat. No. 6,836,515, hereafter "*Kay*"). Claims 4-12, 14, 15 and 20-23 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Kay* in view of Britz (U.S. App. No. 2004/022474, hereafter "*Britz*"). Claims 16-19 and 29 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Kay* in view of *George*. The Applicant respectfully traverses the above rejections for the following reasons.

The Applicant has herein amended independent claims 1, 8, 16, 20 and 24 to further distinguish the present invention from the cited prior art. Claims 1, 8, 16, 20 and 24 have been amended to more particular point out unique features of the terminals used for providing wireless point-to-multipoint communications, which may not have been fully appreciated by a reading of the claims as originally drafted.

Specifically, the present invention as recited in claims 1, 8, 16, 20 and 24 (as amended) is directed to an apparatus, system and method for providing wireless point-to-multipoint communications. In particular, at least one of a plurality of terminals is configured to operate as a remote terminal and a hub terminal. For example, a terminal can be configured as a dual channel terminal. As a dual channel device, the terminal can not only receive and repeat a wireless signals received from a hub node or terminal, but it can also serve other remote terminals by forwarding the signal via a wireless link. Support for this feature can be found in the

specification at paragraphs [26], [30], [35] and [37] as well as in Figs. 4 and 5. This feature, moreover, is not believed to be disclosed, taught or suggested by *George*, *Kay* or *Britz*, individually or in combination.

A. *George*

George discloses, teaches or suggests a broadcast two-way radio communication system that includes a plurality of transmit/receive stations. The transmit/receive stations function as repeaters with geographically defined operating zones. A mobile radio transmits a request for use of a communication channel, which also includes information regarding the geographic location of the mobile radio. A control system receives the request and allocates a channel for use by the mobile radio. Although *George* discloses the use of a terminal (i.e., transmit/receive station) functioning as a repeater, nowhere does *George* disclose the use of hub terminals let alone a terminal (i.e., transmit/receive station) configured to function as a hub terminal and remote terminal. Accordingly, *George* fails to disclose, teach or suggest all the features recited in claims 1, 8, 16, 20 and 24.

B. *Kay*

Kay discloses, teaches or suggest a point-to-multipoint radio communication apparatus, system and method that includes a radio with a multi-modulation modem. The point-to-multipoint system includes, in particular, hub terminals and remote terminals. The hub terminals are located at hub sites, which have remote terminals associated therewith. Each hub terminal located at a hub site communicates with respective remote terminals via a communication link. Although *Kay* differs from *George* in that it discloses the use of both remote terminals and hub terminals, nowhere does *Kay* disclose a remote terminal configured to function as a hub terminal and remote terminal. This point is underscored in *Kay* by the use of the hub sites specifically designated for hub terminals. Accordingly, *Kay* fails to disclose, teach or suggest all the features recited in claims 1, 8, 16, 20 and 24.

C. *Britz*

Britz discloses, teaches or suggests a free space wavelength duplexed system that includes a plurality of nodes that are coupled to a control system. The control system includes a central controller, land lines and one or more radio towers. The radio towers communicate with the nodes over wireless links. The nodes are configured in the system by point-to-point optical

links. Each node includes at least one outdoor unit and a plurality of indoor units. *Britz*, appears to fall short of the present invention for at least the following reasons. First, the nodes are connected to each other via point-to-point communication links, not point-to-multipoint communication links. Second, no node appears to be capable of supporting a plurality of channels because of the limitations of the optical links. Third, nowhere is it disclosed that the nodes function as a remote node and a hub node. Accordingly, *Britz* fails to disclose, teach or suggest all the features recited in claims 1, 8, 16, 20 and 24.

Based on the foregoing, the present invention as recited in claims 1, 8, 16, 20 and 24 is believed to be clearly distinguishable over *George*, *Kay* and *Britz*, individually or in combination. Additionally, claims 2-7, 9-15, 17-19, 21-23 and 25-31 are also believed to be distinguishable over *George*, *Kay* and *Britz*, individually or in combination, based on their respective dependencies on claims 1, 8, 16, 20 and 24.

Withdrawal of the claim rejections are respectfully requested

V. Conclusion

Based on the foregoing, the Applicant submits that the application is now in condition for allowance and requests that a timely Notice of Allowance be issued. A request for a one-month extension of time is included with this Response. If any fees are due in connection with this application as a whole, the Commissioner is authorized to charge and credit Deposit Account No. 02-1818. If such a deduction is made, please indicate the attorney docket number PD-201011 (115426-952).

Respectfully submitted,

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